IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.8526 OF 2004

Mrs Renuka Ratandeep Pagare, .. Petitioner

Vs

Mr Ratandeep Machindra Pagare, .. Respondent

Mr S.D.Patil, for the petitioner.

CORAM : D.B.BHOSALE,J.

DATE : 4th November, 2004.

PC:

1. Heard the learned counsel for the petitioner.

2. This petition is directed against the order dated 10/8/2004, by which the application of the petitioner seeking leave to file a written statement has been rejected relying upon the Judgments of this Court in Iridium India Telecom Ltd Vs. Motorola INC and Ors, 2004 (1) Mh.L.J.532 and in Prabhakar Madhukarrao Mule Vs. Bhagwan Mitharam Choudhary, 2004 (E) Mh.L.J.1058. It appears that the learned Judge while passing this order, was either not aware of or it was not brought to his notice the Judgment of this Court in **Shailaja A.Sawant Vs Sayajirao Banpatrao Patil, 2004 (2) Mh.L.J.419** and the view taken therein which has been upheld by the Division bench in **Chintaman Sukhdeo Kaklij and Ors Vs. Shivaji Bhausaheb Gadhe and Ors in Writ**

Keeping that in view, in my opinion, the appropriate course would be to direct the learned Judge to decide Exhibit-20 application filed by the petitioner afresh in the light of the observations made in Shailaja Sawant's case after giving an opportunity of being heard to the parties in the proceedings.

3. In the result, the impugned order dated 10.8.2004 renders ineffective. With these observations, the petition is disposed of.

. An authenticated copy of this order may be made available to the parties.

(D.B.Bhosale, J.)